SUBMITTED VIA FAX BY JOHN SIMS OF BNSF RAILWAY ON 8/19/05

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#29

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JAN 10 2005

AB 682 X

Julia Gonzalez, City Planner
City of Maywood
4319 East Slauson Avenue
Maywood, CA 90270

RE: Review of Draft Remedial Action Plan and Review of the Excavation & Grading Site Safety and Health Plan for The Proposed Park Construction and Future Construction Activities Draft Field Work Plan, Maywood Riverfront Park Project, Volume II

Dear Ms. Gonzalez:

U.S. EPA reviewed and approved the documents mentioned above in July 2003. In addition, the toxicologist from EPA reviewed the Park Risk Assessment and provided comments during the public comment period for the Draft EIR which was held from August 28th – October 11, 2002.

The purpose of this letter is to verify that all of EPA's comments were addressed in the subsequent draft of the Risk Assessment and during a meeting held between EPA and City Staff on March 13, 2003.

The remedy for the Park cover was also presented in the EPA Feasibility Study and later approved when EPA signed the Record of Decision for Pemaco on January 13, 2005.

The Field Work Plan and Remedial Action Work Plan provides adequate direction for your contractors to start work on the Park. In addition, EPA's contractor will be present on site during the excavation of the hot spot areas on Pemaco to provide information to me on the progress of the excavation.

I look forward to continuing to work with you on cleanup of Pemaco and redevelopment of the neighboring properties so that the Maywood Riverfront Project is completed. As always if you have any additional questions, please give me a call at 415 972 3158 or on the cell phone.

Rose Marie Caraway

Rose Marie Caraway
Environmental Scientist
Remedial Project Manager
Pemaco Superfund Site

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street (SFD-8B)
San Francisco, CA 94105

MEMORANDUM

October 10, 2002

Subject: **Riverfront Park, Maywood CA - Review of the Environmental Impact Report from a Human Health Risk Assessment Perspective**

From: **Gerald F.S. Hiatt, Ph.D.**
Senior Regional Toxicologist

To: **Rose Marie Caraway**
Project Manager, Pemaco Superfund Site

This memo summarizes comments from a human health risk assessment review of the draft Environmental Impact Report (EIR) for a public park to be constructed at the Pemaco Superfund site in Maywood, California. The document reviewed was "Riverfront Park, Screencheck Draft Environmental Impact Report (State Clearinghouse # 2002051146)" prepared for The City of Maywood by Willdan and dated July 2002.

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Background:

The draft EIR addresses a public park to be constructed, in part, on land comprising the Pemaco property at 5050 Slausen Avenue, Maywood, CA. The Pemaco property was formally occupied by a chemical blending operation which resulted in significant chemical contamination of surface soils, sub-surface soils and groundwater. This contamination was of sufficient magnitude for the property to be declared a Superfund site. Contamination at the Pemaco Superfund is currently being remediated (cleaned up) under the direction of the U.S. EPA Region 9 Superfund program. To date, contaminated and sub-surface surface soils have been remediated to a depth of approximately 30 feet by on-site treatment. In addition, U.S. EPA is completing a study of remaining contamination in soil vapor, deeper sub-surface soils and groundwater; this information will be used to determine the need for and type of further remedial (clean up) activities to ensure adequate protection of human health and the environment. At present it is anticipated that further remedial activities will include installation of a groundwater extraction and treatment system, which will likely be required to operate for many years, possibly decades, into the future.

Nature of the Review:

As part of the EIR process, the draft EIR is required to assess potential impacts to human health from construction and operation of the park. It is futher required to delineate appropriate

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mitigation measures for any impacts found to be significant. As the human health risk assessor on the Pemaco project, I reviewed the draft EIR from the perspective of determining whether construction and future use of the park would create any conditions that could potentially adversely affect human health, paying especial attention to any potential impacts from the remaining chemical contamination at the Pemaco Superfund site.

Comments on the Draft EIR:

Health-related comments on the draft EIR falling into two categories: 1) general comments on the project and the health-protectiveness of measures addressing residual contamination at the site, and 2) comments on specific wording of the draft EIR.

General Comments:

GC1. Summary of Known Potential Risks and Their Remediation:

With respect to the possibility for adverse impacts to human health from residual contamination at the properties which will become the park, there are the following potential concerns:

(1) exposure to contamination in surface soils (either via direct contact with contaminated surface soils or due to secondary exposure following release of fugitive dust),

(2) exposure to contamination in sub-surface soils (either via direct contact following soil excavation to depths containing contaminants, release of contaminated fugitive dusts during such excavation or as a result of volatile contaminants migrating upwards and being released as vapors at the soil surface),

(3) exposure due to extraction and use of groundwater (either as drinking water or as water used for irrigation and other "non-potable" water uses).

(1) Surface Soils: Surface soils at the park will not pose a potential risk to human health, either for park users, including children, or for neighborhood residents. There are two reasons for reaching this conclusion. *First*, the most highly contaminated surface soils, those which had the potential to pose the greatest health risk, have already been identified and treated to remediate that contamintaion on the Pemaco property during U.S. EPA's emergency response operations. In addition, as noted in the draft EIR, removal of surface soil contamination has also taken place at the W.W. Henry and Lubricating Oils properties. *Second*, Mitigation Measure 3.3-1, installation of a 12" thick layer of clean fill over the entire surface of the park, will eliminate exposure to any residual contamination at the current soil surface, as identified in the various investigations of the affected properties and noted in the draft EIR. This clean fill will also protect park users and the neighborhood in the event those investigations have not fully identified or characterized all surface soil contamination at any of the properties which will make up the park. These measures (the completed surface soil treatment and the planned clean soil layer) will eliminate both direct contact exposures for park users and the potential for the release into the neighborhood of contaminated fugitive dust.

(2) Sub-Surface Soils: Under the measures outlined in the draft EIR and actions being undertaken by U.S. EPA, sub-surface soils will not pose a potential risk to human health. There

are four reasons for reaching this conclusion. *First*, since this residual contamination is only present in deeper soils, there is no pathway by which park users or neighborhood residents could be directly exposed to sub-surface contamination during routine uses of the park. Therefore, direct contact or release of contaminated fugitive dust is only of potential concern during soil excavation operations (e.g., park construction, future installation of swimming pool). *Second*, the draft EIR mandates the use of appropriate monitoring, fugitive dust suppression and worker protection procedures for construction activities at the park (see Mitigation Measures 3.2-1, 3.3-1 and 3.3-2). *Third*, the draft EIR and U.S. EPA's eventual final decision document on the Pemaco Superfund site will mandate the use of appropriate monitoring, fugitive dust suppression and worker protection procedures for future soil excavation activities at the park (see Mitigation Measures 3.2-1, 3.3-1 and 3.3-2). *Fourth*, on-going EPA monitoring of soil vapor, ambient air and indoor air has found no evidence that residual sub-surface contamination is volatilizing to the surface to create human exposures to soil vapor contaminants.

(3) Groundwater: The construction and operation of Riverfront Park is expected to have no impact on the potential for health risks due to groundwater contamination. Groundwater uses in the Los Angeles basin are tightly regulated and there is no option for the installation of private wells. Thus there is no current, or anticipated future, potential for the uncontrolled use of groundwater as a drinking or domestic water supply. In addition, U.S. EPA will mandate remediation of groundwater contamination as part of it's final decision regarding the Pemaco Superfund site.

GC2. Health Protectiveness of Remedial Actions at Contaminated Properties:

Two of the parcels of land being used for the Riverfront Park, the Pemaco property and the W.W. Henry property, are hazardous materials sites. The Pemaco property is being remediated (cleaned up) under the direction of U.S. EPA as a project of the federal Superfund program and the W.W. Henry property is being remediated under the authority of the Los Angeles Regional Water Quality Control Board (LARWQCB). The goals and responsibilities of both agencies are to ensure that contamination at these properties is sufficiently remediated so as to protect the health of people using or living near these properties, either now or in the future. U.S. EPA and the LARWQCB have the responsibility of meeting these goals independent of the construction of the Riverfront Park. Thus, protection of the community's health from contamination at these properties is <u>not</u> dependent on park construction, nor on implementation of the proposed mitigation measures within the draft EIR.

GC3. Status of Groundwater Treatement Facility:

There are many comments in the draft EIR (e.g., bullet 1 under Hazards/Hazardous Materials on p. S-4, "Impact 3.3-1" on page 3.3-10,) referring to the "groundwater treatment facility" with the assumption that any potential health impacts of the "treatment facility" should be considered as impacts of the proposed park project.

It is U.S. EPA's opinion that potential impacts of the groundwater treatement facility should be considered *independent* of any potential impacts of the proposed park project. The reason is that, while the treatment facility will be a feature of the park, its construction and operation is <u>not</u>

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contingent upon approval nor actual realization of the proposed park project. Stated another way, it is U.S. EPA's intention to construct and operate a groundwater treatment facility regardless of whether the park project proceeds. Therefore, any potential health impacts of the groundwater treatement facility should not be considered to be impacts of park construction or operation.

Furthermore, it is a requirement of U.S. EPA's Superfund program that any such treatment facility not subject the community, nor local property owners and users, to any potential health risks during construction and operation. Therefore, it is U.S. EPA's position that a groundwater treatment facility will be installed regardless of whether the proposed park project proceeds and it will be constructed and operated in a manner as to protect the health of community members and current and future property users.

Specific Comments:

SC1. The first sentence of the last paragraph under "Park User Scenario" on page 3.3-9 notes "Pathways for contact with the perched groundwater or the Exposition Aquifer ..." This section should note the depth to groundwater for both of these aquifers.

SC2. Page 3.3-4, paragraph 4: This statement should note that the impacted soil has been excavated and treated at the site.

SC3. A notation should be added to Table 3.3.1 on page 3.3-6. It should note that this list of COPCs is a list of chemicals that merit further assessment to determine *if* any of them pose a potential health threat. Inclusion of a chemical on a list of COPCs does not mean that chemical definately poses a health risk, it only means that further analysis is required if there is a potential health risk.

SC4. A notation similar to that mentioned in SC3 should be added to Table 3.3.2 on page 3.3-7. This is a list of chemicals whose concentrations at the property exceed health-based screening levels, the SSPRGs. It should be noted that mere exceedence of a SSPRG does not, in and of itself, mean that chemical constitutes a health threat. Similar to comment SC3, it means that additional analysis is required.

SC5. Suggested edits to the first 2 paragraphs on page 3.3-12: "The following mitigation measures have been proposed to avoid or lessen to the point of insignificance ~~to the extent possible~~, the potentially significant impacts identified above in Section 3.3.4. Remedial Action. In general, the most effective remedial action to remove metals, PCBs and PAHs from shallow soil is to remove the contaminated soil and ~~haul it off to~~ dispose of it at a certified landfill that is permitted to accept that type of waste. This is usually the ~~only~~ most effective option due to the nature of these contaminants, which. ~~These types of contaminants~~ do not readily breakdown naturally over time~~, nor can soil additives or other in situ remedial technologies accelerate their decomposition~~."

SC6. Suggested edits re: "Elimination of Expoure Pathway[s]", page 3.3-12: "~~The other~~ Another effective mitigation alernative...". Also, I would insert a paragraph break before "For the excavation worker..."

SC7. Suggested edits re: "Mitigation Measure 3.3-2": 'Prior to issuance ... of the RWCQB, formulate a plan to protect workers and local residents. This plan is to be implemented ..."

SC8. Suggested edits re: 6th bullet under "Mitigation Measure 3.3-2": "All work ... health and safety of the workers or to release significant quantities of contaminated soil into the neighborhood as fugitive dust."

Conclusions:

Based on our review of the draft EIR, U.S. EPA concludes that the residual chemical contamination present at the site, which is confined to sub-surface soils and groundwater, will not create a potential health risk for people, including children, using the park. Nor will construction of the park create additional exposure to residual contamination that could adversely affect the health of park users, nearby residents or school children in the area. This conclusion is based on the risk assessment information contained in the draft EIR, the extensive data on chemical contamination at the Pemaco Superfund site and adjacent properties, and the assumed implementation of proposed Mitigation Measure 3.3-3 (addition of a 12" layer of clean fill over the entire park site).

If you have any questions or need any clarification, I can be reached by voice at (415) 972-3064, or by email at hiatt.gerald@epa.gov.

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